

In the Court of Appeals of the State of Alaska

Deemer Fryberger,

Appellant,

v.

State of Alaska,

Appellee.

Court of Appeals No. A-13443

Order

Date of Order: **June 17, 2019**

Trial Court Case # **3PA-17-00265CR**

The Appellant, Deemer Fryberger, is currently represented by a privately retained attorney, Ember S. Tilton. Mr. Tilton has filed a motion asking this Court to allow him to withdraw as counsel of record from this appeal. Mr. Tilton believes that Mr. Fryberger is currently indigent.

Accordingly, **IT IS ORDERED:**

1. This case is remanded to the superior court for a hearing to determine if Mr. Fryberger is eligible for the assistance of counsel at public expense.
2. If the superior court finds that Mr. Fryberger is eligible for the assistance of counsel at public expense, the superior court shall make an appropriate appointment and shall direct the new attorney to promptly file an entry of appearance in this Court.
3. If the superior court concludes that Mr. Fryberger is not eligible for the appointment of counsel at public expense, the superior court shall notify this Court of this finding.

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4. The superior court's report on these matters shall be provided to this Court on or before July 15, 2019. Upon this Court's reception of this report, Mr. Tilton will be allowed to withdraw as Mr. Fryberger's counsel of record.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts



Beth A. Pechota, Deputy Clerk

cc: Court of Appeals Judges
Judge Heath
Central Staff
Trial Court Clerk - Palmer

Distribution:

Ember Tilton
The Law Office of Ember Tilton
217 West 14th Avenue Unit 2
Anchorage AK 99501

Tamara De Lucia
Office of Criminal Appeals
1031 W. 4th Ave, Suite 200
Anchorage AK 99501